

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

In re:  DANIELLE MARIE BORIS and RONALD JOHN BORIS, JR, Debtors,  CONSUMER PORTFOLIO SERVICE, INC.  Movant,  v.  DANIELLE MARIE BORIS, RONALD JOHN BORIS, JR, and CHARLES J DEHART, III, Trustee.  Respondents.	Bankruptcy No. 5:19-bk-03043-RNO  Chapter 13  Related to Doc. No. 8
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OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

AND NOW COMES, Movant, Consumer Portfolio Services, Inc. (“CPS”) by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this Objection to Confirmation of Chapter 13 Plan filed July 16, 2019, stating as follows:

1. Respondents, Danielle Marie Boris and Ronald John Boris, Jr (the “Debtors”) filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on July 16, 2019 (the “Petition Date”).
2. Charles J. DeHart, III is the duly appointed Chapter 13 Trustee and is currently acting in such capacity.
3. On or about August 31, 2015, Debtors purchased a 2012 Ford Focus Hatchback 5D SEL 2.0L I4, VIN# 1FAHP3M2XCL150251 (the “Vehicle”), pursuant to a Motor Vehicle Installment Sale Contract (the “Contract”) with the Movant. A true and correct copy of which is attached hereto as Exhibit “A”.

4. The Contract requires monthly payments of \$274.12 at an interest rate of 18.00%.

5. As of the Petition Date, the outstanding balanced owed to Consumer Portfolio Services, Inc. by Debtors pursuant to the above-referenced Contract was \$11,650.24. These amounts are reflected in the Proof of Claim filed by Movant on July 24, 2019 at Claim 3-1.

6. The N.A.D.A. Value for the Vehicle is \$6,100.00 as evidenced by the N.A.D.A. Report attached hereto as Exhibit "B".

7. Debtor's Chapter 13 Plan filed July 16, 2019 proposes payment to Movant in the amount of \$2,929.50 at 5.00% interest.

8. Movant objects to the Debtor's Plan because it fails to properly value the Vehicle and because it fails to provide appropriate interest rate on the amount of the claim being paid as secured.

WHEREFORE, Movant, Consumer Portfolio Services, Inc., respectfully requests that this Honorable Court deny confirmation of Debtor's Chapter 13 Plan.

Dated: August 1, 2019

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

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